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Written Testimony Supporting:

**S.B. 469, An Act Concerning Nonviolent Drug Violations or Convictions; and
H.B. 5641, An Act Concerning Provisional Pardons**

Senator Coleman, Representative Tong, and members of the Judiciary Committee. My name is David McGuire, and I am the Legislative and Policy Director for the American Civil Liberties Union of Connecticut (ACLU-CT). I am here today to testify in support of two bills that would give people who make mistakes a true second chance to succeed: S.B. 469, An Act Concerning Nonviolent Drug Violations or Convictions; and H.B. 5641, An Act Concerning Provisional Pardons.

Recently, Connecticut has led the charge in developing a society in which a criminal conviction does not automatically mean a lifetime of discrimination, poverty, and inhumane treatment. S.B. 469 and H.B. 5641 are logical next steps in this effort. As an organization that is dedicated to liberty, justice, and equality for all people, the ACLU of Connecticut strongly supports both measures. When someone returns home after prison, logic and Hollywood films would suggest that she or he has repaid his or her debt to society. In reality, any conviction, for offenses violent or non-violent, misdemeanor or felony, juvenile or adult, can mean a lifetime sentence of exclusion. Checking "the box" indicating a past criminal conviction can prevent someone from finding housing, a job, and other basic necessities that are critical to preventing recidivism. If Connecticut is to truly uphold the justice and equality promised by our constitution, we must allow people who have made mistakes to truly reintegrate into society, not continually judge and punish them for the rest of their lives.

We therefore support S.B. 469's proposal to erase misdemeanor criminal records for people who are neither arrested nor charged with drug offenses for five years after their initial convictions. Similarly, we applaud H.B. 5641's proposal to create a provisional pardon system with a pathway toward absolute pardons. Through S.B. 469, if someone who has been convicted of a misdemeanor has neither new arrests nor new illegal drug charges within five years after the initial conviction, the Judicial Department and law enforcement will erase the original misdemeanor record. Under H.B. 5641, the Board of Pardons and Paroles would be able to extend provisional pardons to some individuals who are released from prison, thereby sealing their criminal records. If, after five years, an individual with a provisional pardon was not convicted of another crime, he or she would be eligible

for an absolute pardon, which would erase all of his or her past criminal records.

In addition, as a defender of equal justice under the law, the ACLU of Connecticut endorses S.B. 469's proposal to eliminate cash bail requirements for people charged with misdemeanors. Our current bail system penalizes people for being poor, and it has no place in a modern society. As this bill rightfully proposes, bail should be based on a person's flight risk or danger to society, not on the money in his or her pocket. Recent estimates have shown that more than 1,000 people are being held in Connecticut jails, at an average cost of \$120 per person per day, or \$43,000 per person per year, only because they cannot pay less than \$5,000 in bail. Many of these people are accused of minor, non-violent crimes, including drug possession; they have not been convicted of a crime, they are supposed to be treated as innocent until proven guilty, and yet they remain in jail because they lack the resources to pay their way free. This flies in the face of our Constitution's promises of equal protection, due process, and freedom from excessive bail. In reality, any bail amount is excessive to someone without the means to pay it, and a bail system that penalizes people for being poor is the modern equivalent of a debtor's prison.

Connecticut's current, broken cash bail system also exacerbates unconscionable racial inequities. Nationally, Black Americans are jailed at four times the rate of white Americans, and court systems issue higher bail amounts for Black and Latino Americans ages 18 through 29 than for people from other ethnic or racial groups. Although eliminating cash bail will not solve the disturbing disparities in our justice system, it would offer one important step toward their remediation. Spending even one day in jail can endanger someone's job, housing, and family connections, even if that person is innocent. The current bail system compounds the challenges and hardships many Connecticut residents face every day when they are already economically disadvantaged.

S.B. 469 and H.B. 5641 represent meaningful, measured mechanisms for people who have made mistakes to return home with clean slates and immediately begin giving back to society. S.B. 469 would also ensure that Connecticut does not jail people simply for being poor. We urge you to support both bills.